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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERIC GLATT, ALEXANDER FOOTMAN, :
EDEN ANTALIK, and KANENE GRATTS, on : **No. 11 Civ. 6784 (WHP)**
behalf of themselves and all others similarly :
situated, : **ECF CASE**
Plaintiffs, :
v. :
FOX SEARCHLIGHT PICTURES, INC., and :
FOX ENTERTAINMENT GROUP, INC., :
Defendants. : **DECLARATION OF**
: **ELISE M. BLOOM, ESQ.**
: **IN OPPOSITION TO**
: **PLAINTIFF'S MOTION FOR**
: **SUMMARY JUDGMENT &**
: **IN FURTHER SUPPORT OF**
: **DEFENDANT'S MOTION FOR**
: **SUMMARY JUDGMENT**
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I, Elise M. Bloom, Esq., declare, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a member of the law firm of Proskauer Rose LLP, attorneys for Defendants Fox Searchlight Pictures, Inc. (“Searchlight”), and Fox Entertainment Group, Inc. (collectively, “Defendants”), in the above-captioned action. I am fully familiar with the facts set forth herein. I submit this declaration in opposition to Plaintiff’s Motion for Partial Summary Judgment and in further support of Searchlight’s Cross-Motion for Summary Judgment, which was filed with the Court on February 15, 2013, seeking to dismiss the claims of, *inter alia*, Plaintiffs Alexander Footman, Eric Glatt and Kanene Gratts in their entirety.

2. Attached hereto as Exhibit "A" is a true and correct copy of an October 24, 2009 e-mail exchange between Alexander Footman and Jacob Bricca (bates stamped P0000317-18), which was produced by Plaintiffs and marked as Exhibit "4" at the deposition of Alexander Footman, taken by Defendants on May 7, 2012.

3. Attached hereto as Exhibit "B" is a true and correct copy of an October 15, 2009 e-mail exchange (and attachment) between Alexander Footman and "gigs-cqmzv-1422013876" (bates stamped P0007107-09), which was produced by Plaintiffs and marked as Exhibit "5" at the deposition of Alexander Footman, taken by Defendants on May 7, 2012.

4. Attached hereto as Exhibit "C" are true and correct copies of documents related to paid work by Eric Glatt in connection with the *Black Swan* film production including: a Start/Close Form, dated February 2, 2010 (bates stamped DS0002325); a Form I-9, Employment Eligibility Verification, dated February 2, 2010 (bates stamped DS0002326); a Crew Time Card for the week ending, February 6, 2010 (bates stamped DS0002328); and pay information issued by Cast and Crew Production Services for January 31, 2010 (bates stamped DS0002329), which were produced by Defendants to Plaintiffs during discovery.

5. Attached hereto as Exhibit "D" is a true and correct copy of a 2008 W-2 Form issued with respect to Eric Glatt (bates stamped AIG000007), which was produced by AIG, Inc. during discovery in response to a subpoena served by Defendants and which was produced to Plaintiffs.

6. Attached hereto as Exhibit "E" is a true and correct copy of a November 9, 2009 e-mail exchange between Eric Glatt and Adam Underhill (bates stamped P0004142-3), which was produced by Plaintiffs and marked as Exhibit "2" at the deposition of Eric Glatt, taken by Defendants on May 11, 2012.

7. Attached hereto as Exhibit "F" is a true and correct copy of a December 12, 2012 screenshot from the "IMDb" webpage concerning Kanene S. Gratts (bates stamped D0093780), which was produced by Defendants during discovery.

8. Attached hereto as Exhibit "G" is a true and correct copy of the relevant transcript pages from the deposition of Plaintiff Alexander Footman, taken by Defendants on May 7, 2012.

9. Attached hereto as Exhibit "H" is a true and correct copy of the relevant transcript pages from the deposition of Eric Glatt, taken by Defendants on May 11, 2012.

10. Attached hereto as Exhibit "I" is a true and correct copy of the relevant transcript pages from the deposition of Kanene Gratts, taken by Defendants on December 4, 2012.

11. Attached hereto as Exhibit "J" is a true and correct copy of the relevant transcript pages from the deposition of Elizabeth Sayre, taken by Plaintiffs on August 15, 2012.

12. Attached hereto as Exhibit "K" is a true and correct copy of the relevant transcript pages from the deposition of Scott Franklin, taken by Plaintiffs on November 19, 2012.

13. Attached hereto as Exhibit "L" is a true and correct copy of the U.S. Department of Labor, Wage and Hour Division, Fact Sheet # 71, issued in April of 2010.

14. Attached hereto as Exhibit "M" is a true and correct copy of the N.Y.S. Department of Labor Fact Sheet titled "Wage Requirements for Interns in For-Profit Businesses," issued in April of 2011.

15. Attached hereto as Exhibit "N" is a true and correct copy of an April 7, 2010 letter from David Balter, Acting Chief Counsel of the California Department of Industrial Relations, Division of Labor Standards Enforcement to Joseph W. Ambash, Esq. Re: "Educational Internship Program."

16. Attached hereto as Exhibit "O" is a true and correct copy of a Crew Deal Memo for Intern Robert Apuzzo in connection with the *Black Swan* film (bates stamped DS0002307-11), which was produced by Defendants and marked as Exhibit "14" at the deposition of Eric Glatt, taken by Defendants on May 11, 2012.

Dated: March 29, 2013
New York, New York

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